

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 110—Office of the Director
Chapter 1—Missouri Qualified Fuel Ethanol Producer Incentive Program

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 142.028, RSMo Supp. 1999, the director amends a rule as follows:

2 CSR 110-1.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Bonding and Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Fuel Ethanol Producer Incentive Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1829). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting, Fishing, Trapping

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.205 Permits Required; Exceptions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2000 (25 MoReg 2048). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment as published becomes effective **March 1, 2001.**

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.230, RSMo 1994 and 386.410, RSMo Supp. 1999, the commission withdraws a rule as follows:

4 CSR 240-2.125 Procedures for Alternative Dispute Resolution **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1415–1416). This proposed amendment is withdrawn due to several negative comments.

SUMMARY OF COMMENTS: The commission received several written comments regarding the proposed amendment. These comments were uniformly negative. Consequently, the proposed amendment is being withdrawn for further consideration.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 255-4.010 Continuing Education Requirements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1829–1830). No changes have been made to the text of the proposed amendment, so it is not reprinted here.

This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1618). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1618–1622). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1623). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.600 and 306.400, RSMo Supp. 1999, the director amends a rule as follows:

12 CSR 10-23.446 Notice of Lien is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1832–1833). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.091, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-24.460 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 3, 2000 (25 MoReg 1709–1710). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment on this proposed rule.

COMMENT: One commentator recommended the department change the verbiage in section (1) from “who is not exempt under the Federal Driver’s Privacy Protection Act” to “who is not exempt under the provisions of section 32.090 and 32.091, RSMo.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommended changes and section (1) of this rule has been modified as indicated above.

12 CSR 10-24.460 Driver’s Privacy Protection Act

(1) A record holder is deemed to have given express consent to release his/her personal information when the Department of Revenue receives a written request from the record holder for the release of this information to another party. The Department of

Revenue shall require express consent from the record holder each time a request for the record holder's personal information is submitted from another party who is not exempt under the provisions of sections 32.090 and 32.091, RSMo.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 104—Sales/Use Tax—Registration

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-104.020 Sales and Use Tax Bonds is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1835–1836). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 108—Sales/Use Tax—Taxable Services

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-108.600 Transportation Fares is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1836–1837). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-110.220 Hotels and Motels is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1837). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 112—Sales/Use Tax—Contractors

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-112.010 Contractors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1838–1839). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 113—Sales/Use Tax—Use Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-113.300 Temporary Storage is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1839–1840). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 3—County Reimbursement

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Child Support Enforcement, under section 454.400, RSMo Supp. 1999, the division adopts a rule as follows:

13 CSR 30-3.010 Reimbursable Expenditures is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1840). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 5—Determining Child Support Obligation

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Child Support Enforcement, under section 454.400, RSMo Supp. 1999, the division adopts a rule as follows:

13 CSR 30-5.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1840-1841). The changes to the text of the proposed rule are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGES: No comments were received; however, changes have been made for clarification. The changes in (2)(A)4., clarify the work history requirement. The change in (H)3. was made to include both the parent who pays support and the parent who receives the support as eligible for this deviation.

13 CSR 30-5.010 Child Support Obligation Guidelines

(2) Specific Provisions and Deviation Criteria.

(A) Determining and Imputing Income.

1. The division will generally include overtime, secondary employment, and bonus income when determining gross income.

2. Past earnings information may be used to impute income. Information on previous earnings may be obtained from the following sources, including, but not limited to, Division of Employment Security computer screens, Internal Revenue Service, past employers, tax returns, and wage stubs.

3. When income information is not available, and information regarding the parent's normal occupation or educational level is known, or special skills which qualify him/her to maintain specific jobs, income may be imputed based on probable earnings levels for his/her usual occupation, qualifications, and prevailing job opportunities and wages in the parent's community. This information may be obtained from sources including, but not limited to, the Department of Labor and Industrial Relations, local unions, or employers in the area.

4. Income may be imputed to a parent who is unemployed or underemployed based on the determination of the parent's potential to earn income. A parent whose actual income cannot be determined or who has no income will be imputed income as follows:

A. A parent who is not currently employed, whether or not he has a work history, and is now disabled and unable to work, or has a child at home whose condition or circumstance requires a parent's presence in the home, will be imputed zero income.

B. A parent who has no work history and has a child in the home under the age of six years will be imputed zero income.

C. A parent who has no work history and has a child at home between the ages of six and twelve years, will be imputed part-time (20 hours per week) at federal minimum wage.

D. A parent with no work history, and no children under age 13, full-time (40 hours per week) at federal minimum wage will be imputed.

(H) Deviation. If it is determined the presumed child support amount is unjust and inappropriate, the division may deviate based on the criteria in the directions for completion of the Form 14 for one of the following reasons:

1. A parent is under a Chapter 13 Bankruptcy plan.

2. The Division of Family Services determines that in a foster care case the child support amount is not in the best interest of

the child. The Division of Family Services staff must provide the reason in writing.

3. The parent obligated to pay support claims to the division an inability to pay the presumed child support amount because the parent's reasonable shelter expenses, or one-half of the shelter expenses if another person resides with the parent and assists in these expenses, and the child support total 60% or more of the parent's gross monthly income. The parent to whom support is due claims the child support amount is too low and that parent's share of the total child support and his/her reasonable shelter expenses, or one-half of the shelter expenses if another person resides with and assists in these expenses, minus the presumed child support of the parent obligated to pay support equals 60% or more of his/her gross income.

4. The division may deviate to adjust the presumed child support amount up to 25% if any of the above factors exist.

5. If the amount of overnight visitation exceeds 146 nights, the division may determine the children are spending substantially equal time with both parents, which may require a deviation from the presumed child support amount.

6. If the total amount of children on the order exceeds six, the division will add to the amount determined by the guidelines for six children, the difference between the amount for five children and six children and add that amount for each additional child.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-15.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1468-1474). Changes have been made in the text of the proposed amendment, which are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: A change was made in section (3) to the proposed amendment to clarify that a hospital's per-diem rate will be reduced so its per-diem rate does not exceed its trended cost per day as determined in subsection (15)(B). A revised fiscal note is being submitted to report the impact of increasing uninsured payment from sixty-five percent (65%) to seventy-seven percent (77%) of uninsured costs. Comments were received from one commenter. The following is a summary of that comment.

COMMENT: One comment was received regarding the uninsured reduction in subsection (18)(B). The commenter indicated the percent of Uninsured cost to be paid in State Fiscal Year (SFY) 2001 should be 87%. The commenter felt that the number of adults covered by the 1115 waiver program who use the charity care network was overstated.

RESPONSE AND EXPLANATION OF CHANGE: The total cost of services for adults, including hospital and non-hospital costs, must be deducted from DSH payments in accordance with the budget neutrality provisions of the 1115 waiver. The division has revised the payment percentage for uninsured costs from the proposed rate of 65% to 77% and the division is deleting paragraph (18)(B).

COMMENT: Two comments were made requesting the use of alternative cost reports. It was requested that DSH determinations be based on either the third or fourth prior year cost report and that reimbursement for first tier hospitals be based on either the third or fourth prior year cost report.

RESPONSE: The division will not incorporate the requested changes. Resources are not available to review both the third and fourth prior year reports for all hospitals in order to determine the DSH determination. It is feasible to review the limited additional reports for first tier hospitals and once completed, the division believes the most recent data should be utilized.

COMMENT: One comment was received on paragraph (21)(A). The commenter requested the use of cash subsidies certified by the hospital for enhanced GME payments be removed from the regulation for Enhanced GME payments.

RESPONSE: The division does not agree the cash subsidies should be removed from this subsection of the regulation.

COMMENT: One comment was received regarding safety net hospitals. The commenter requested safety net hospitals be given the option in the regulation to operate under the intergovernmental transfer provision of the regulation.

RESPONSE: The division does not agree the safety net hospitals be given the option in the regulation to operate under the intergovernmental transfer provision of the regulation.

EXPLANATION OF OTHER CHANGES: A revised fiscal note is attached indicating the Direct Medicaid Payments will be established for Safety Net hospitals based on the determination of the Division of Medical Services, exercising its sole discretion, as to which report is most representative of costs incurred; First Tier DSH hospitals based on the 1998 cost reports; and all other hospitals will use the 1997 cost report. The FRA funded uninsured payments of \$250,917,971 are based on seventy-seven percent (77%) of the three year average costs using the 1995, 1996, and 1997 cost reports for all hospitals. It includes increased Enhanced GME payments for all acute care teaching hospitals of \$15,697,298 and increased per diem payments of \$6,351,862.

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology

(3) **Per-Diem Reimbursement Rate Computation.** Each hospital shall receive a Medicaid per-diem rate based on the following computation.

(B) **Trend Indices (TI).** Trend indices are determined based on the four (4)-quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY).

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%
- G. SFY 2000—4.0%
- H. SFY 2001—4.6%.

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per-diem rate and for SFY 1999 the OC of the June 30, 1998 rate shall be trended by 1.2% and for SFY 2000 the OC of the June 30, 1999 rate shall be trended

by 2.4%. The OC of the June 30, 2000 rate shall be trended by 1.95% for SFY 2001.

3. The per-diem rate shall be reduced as necessary to avoid any negative Direct Medicaid Payments computed in accordance with subsection (15)(B).

(15) Direct Medicaid Payments.

(B) Direct Medicaid payment will be computed as follows:

1. The Medicaid share of the FRA assessment will be calculated by dividing the hospital's Medicaid patient days by total hospital's patient days to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the FRA assessment for the current SFY to arrive at the increased allowable Medicaid costs;

2. The unreimbursed Medicaid costs are determined by subtracting the hospital's per-diem rate from its trended per-diem costs. The difference is multiplied by the estimated Medicaid patient days for the current SFY.

A. The trended cost per day is calculated by trending the base year operating costs per day by the trend indices listed in paragraph (3)(B)1., using the rate calculation in subsection (3)(A).

B. For hospitals that meet the requirements in paragraphs (6)(A)1., (6)(A)2. and (6)(A)4. of this rule (safety net hospitals), the base year cost report may be from the third prior year, the fourth prior year, or the fifth prior year, based on the determination of the Division of Medical Services exercising its sole discretion as to which report is most representative of costs incurred. For hospitals that meet the requirements in paragraphs (6)(A)1. and (6)(A)3. of this rule (first tier Disproportionate Share Hospitals), the base year operating costs shall be based on the third prior year cost report. For all other hospitals, the base year operating costs are based on the fourth prior year cost report. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report.

C. The trended cost per day does not include the costs associated with the FRA assessment, the application of minimum utilization, the utilization adjustment and the poison control costs computed in paragraphs (15)(B)1., 3., 4., and 5.;

3. The minimum utilization costs for capital and medical education is calculated by determining the difference in the hospital's cost per day when applying the minimum utilization as identified in paragraph (5)(C)4., and without applying the minimum utilization. The difference in the cost per day is multiplied by the estimated Medicaid patient days for the SFY;

4. The utilization adjustment cost is determined by estimating the number of Medicaid inpatient days the hospital will not provide as a result of the MC+ Health Plans limiting inpatient hospital services. These days are multiplied by the hospital's cost per day to determine the total cost associated with these days. This cost is divided by the remaining total patient days from its base period cost report to arrive at the increased cost per day. This increased cost per day is multiplied by the estimated Medicaid days for the current SFY to arrive at the Medicaid utilization adjustment; and

5. The poison control cost shall reimburse the hospital for the prorated Medicaid managed care cost. It will be calculated by multiplying the estimated Medicaid share of the poison control costs by the percentage of MC+ recipients to total Medicaid recipients.

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1-June 30) shall be determined as follows:

(B) **Uninsured Add-Ons.** The hospital shall receive seventy-six percent (76%) of the Uninsured costs prorated over the SFY. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the

Primary Care Resource Initiative for Missouri (PRIMO) shall receive seventy-seven percent (77%) of its uninsured costs prorated over the SFY. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured will be based on a three year average of the fourth, fifth, and sixth prior base year cost reports. For any hospital that has both a twelve month cost report and a partial year cost report, its base period cost report for that year will be the twelve month cost report. Cost of the uninsured is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsection (3)(B). Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the Uninsured patients share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multiplying the current FRA assessment by the ratio of uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per-diem payments and trended costs for General Relief patient days; and

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated uninsured days.

**REVISED FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 13 – Department of Social Services

Division: 70 – Division of Medical Services

Chapter: 15 – Hospital Program

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 13 CSR 70-15.010 Inpatient Hospital Services
Reimbursement Plan; Outpatient Hospital Services
Reimbursement Methodology

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$454,678,822

III. WORKSHEET

The estimated annual impact is based on Direct Medicaid payments of \$181,711,690. The Direct Medicaid Payments will be established for Safety Net hospitals based on the determination of the Division of Medical Services, exercising its sole discretion, as to which report is most representative of costs incurred; First Tier DSH hospitals based on the 1998 cost reports; and all other hospitals will used the 1997 cost report. The FRA funded uninsured payments of \$250,917,971 are based on seventy-seven percent (77%) of the three year average costs using the 1995, 1996, and 1997 cost reports for all hospitals. It includes increased Enhanced GME payments for all acute care teaching hospitals of \$15,697,298 and increased per diem payments of \$6,351,862. The estimated cost reflects all planned payments for SFY 2001 in the aggregate. The total payments include the proposed changes for SFY 2001 and continuing core payments from SFY 2000.

IV. ASSUMPTIONS

The hospital's uninsured payments will be based on seventy-seven percent (77%) of the three year average cost of the uninsured from the 1995, 1996, and 1997 cost reports trended to 2001. The Direct Medicaid Payments will be established for Safety Net hospitals based on the determination of the Division of Medical Services, exercising its sole discretion, as to which report is most representative of costs incurred; First Tier DSH hospitals based on the 1998 cost reports; and all other hospitals will used the 1997 cost report. Enhanced GME payments will be expanded to pay all acute teaching hospitals and additional payment by adjusting the inflation indices by the percentage difference between the Medicare update factors applied to the per resident amounts from 1986 to the most recent cost report filed as of April 5 each year and the McGraw-Hill CPI index for hospital services for the same time period.

REVISED FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Social Services
Division: Division of Medical Services
Chapter: 15 Hospital Program
Type of Rulemaking: Order of Rulemaking
Rule Number and Name: 13 CSR 70-15.010 Inpatient Hospital Services
Reimbursement Plan; Outpatient Hospital Services
Reimbursement Methodology

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
132	Hospitals	\$28,669,197

III. WORKSHEET

The estimated annual impact is based on using a three year average of charity care and bad debts to estimate SFY 2001 costs and reducing the percent of uninsured payments made to hospitals to 76% of the uninsured costs.

IV. ASSUMPTIONS

The assumptions are that to stay within the disproportionate share limit required by federal law, we must reduce our uninsured payments to 77% of uninsured costs. This will reduce the uninsured cost paid to hospitals by \$28,669,197. This estimated cost to the private entities will be offset by new payment methodologies proposed by the public entity - Please see Public Entity Fiscal Note. Total add-on payments to hospitals funded by the FRA Program will be \$454,678,822. These payments include Enhanced GME Payments, Direct Medicaid Payments, and Uninsured Payments.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 2—Rules Applying to State Agencies

ORDER OF RULEMAKING

By the authority vested in the state auditor under section 34.125, RSMo 1994, the state auditor amends a rule as follows:

15 CSR 40-2.031 Control of Fixed Assets is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2000 (25 MoReg 1642). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 1994, the board hereby amends a rule as follows:

16 CSR 10-6.040 Membership Service Credit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2000 (25 MoReg 1841–1842). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Common Cents Credit Union 80 Smoke Tree Fenton, MO 63026	Catholic Knights of America—employees, affiliates, members, subsidiaries, partnerships, agents and suppliers

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B2Z01013 Software Training 11/1/00;
B1Z01123 Furniture and Furnishings, Senate 11/2/00;
B2Z01008 Data Capture and Document Management System
11/2/00;
B3E01089 Radiology Services 11/2/00;
B3Z01051 Medicaid Managed Care-Central Region 11/2/00;
B1E01130 Aircraft: Cessna 11/3/00;
B1E01117 Loaders: Backhoe and Skid Steer 11/6/00;
B3Z01016 Genetic Disease Program Services 11/7/00;
B3E01093 Radiological Services 11/8/00;
B3Z01086 Intensive In-Home Services 11/13/00;
B3Z01075 Charter School Performance Study 11/16/00;
B3Z01064 Peer Phone Support Services 11/20/00;
B3Z01071 Drop In Center Services 11/20/00;
B3Z01052 Food Service Operations 11/21/00;
B3Z01077 First Steps Regional Training Coordination 11/28/00.

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

November 1, 2000
Vol. 25, No. 21

MISSOURI
REGISTER

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

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1 CSR 10-17.050	Office of Administration..... <i>(Changed from 1 CSR 40-1.070)</i>		.25 MoReg 106225 MoReg 2244	
1 CSR 20-5.010	Personnel Advisory Board.....		.25 MoReg 119525 MoReg 2318	
1 CSR 20-5.020	Personnel Advisory Board.....		.25 MoReg 119625 MoReg 2318	
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1 CSR 40-1.030	Purchasing and Materials Management25 MoReg 105925 MoReg 2244	
1 CSR 40-1.050	Purchasing and Materials Management25 MoReg 106025 MoReg 2245	
1 CSR 40-1.060	Purchasing and Materials Management25 MoReg 106125 MoReg 2245	
1 CSR 40-1.070	Purchasing and Materials Management25 MoReg 106225 MoReg 2244	
1 CSR 40-1.080	Purchasing and Materials Management25 MoReg 106225 MoReg 2244	
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	<i>(Changed to 1 CSR 10-17.040)</i>				
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2 CSR 10-5.005	Market Development24 MoReg 2269			
2 CSR 30-10.010	Animal Health25 MoReg 2515		
2 CSR 70-13.030	Plant Industries25 MoReg 2370		
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3 CSR 10-4.115	Conservation Commission.....		.25 MoReg 2200		
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3 CSR 10-5.430	Conservation Commission.....		.25 MoReg 168825 MoReg 2319	
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3 CSR 10-7.440	Conservation Commission.....		N.A.25 MoReg 2460	
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4 CSR 10-2.090	Missouri State Board of Accountancy25 MoReg 2373R		
4 CSR 10-2.095	Missouri State Board of Accountancy25 MoReg 2373		
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4 CSR 15-1.020	Acupuncturist Advisory Committee.....		.25 MoReg 2375		
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4 CSR 15-1.040	Acupuncturist Advisory Committee.....		.25 MoReg 2379		
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10 CSR 40-4.050	Land Reclamation Commission	25 MoReg 1081
10 CSR 40-5.010	Land Reclamation Commission	25 MoReg 1081
10 CSR 40-6.010	Land Reclamation Commission	25 MoReg 1082
10 CSR 40-6.020	Land Reclamation Commission	25 MoReg 1083
10 CSR 40-6.030	Land Reclamation Commission	25 MoReg 1083
10 CSR 40-6.040	Land Reclamation Commission	25 MoReg 1084
10 CSR 40-6.050	Land Reclamation Commission	25 MoReg 1085
10 CSR 40-6.060	Land Reclamation Commission	25 MoReg 1087
10 CSR 40-6.070	Land Reclamation Commission	25 MoReg 1088
10 CSR 40-6.090	Land Reclamation Commission	25 MoReg 1089
10 CSR 40-6.100	Land Reclamation Commission	25 MoReg 1090
10 CSR 40-6.120	Land Reclamation Commission	25 MoReg 1091

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10 CSR 40-7.021	Land Reclamation Commission		.25 MoReg 1094	.25 MoReg 2327	
10 CSR 40-8.010	Land Reclamation Commission		.25 MoReg 1095	.25 MoReg 2327	
10 CSR 40-8.030	Land Reclamation Commission		.25 MoReg 1101	.25 MoReg 2327	
10 CSR 40-8.050	Land Reclamation Commission		.25 MoReg 1102	.25 MoReg 2327	
10 CSR 40-8.070	Land Reclamation Commission		.25 MoReg 1103	.25 MoReg 2328	
10 CSR 40-9.020	Land Reclamation Commission		.25 MoReg 1107	.25 MoReg 2328	
10 CSR 40-10.010	Land Reclamation Commission		.25 MoReg 1623		
10 CSR 40-10.020	Land Reclamation Commission		.25 MoReg 1623		
10 CSR 40-10.040	Land Reclamation Commission		.25 MoReg 1627		
10 CSR 40-10.100	Land Reclamation Commission		.25 MoReg 1627		
10 CSR 140-2	Division of Energy				.24 MoReg 2243

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11 CSR 10-1.010	Adjutant General		.25 MoReg 2239		
11 CSR 10-1.020	Adjutant General		.25 MoReg 2528		
11 CSR 10-3.015	Adjutant General	.25 MoReg 2193	.25 MoReg 2239		
11 CSR 10-5.010	Adjutant General		.25 MoReg 2528		
11 CSR 10-5.015	Adjutant General		.25 MoReg 2531		
11 CSR 10-12.010	Adjutant General		.25 MoReg 1700	.25 MoReg 2576	
11 CSR 10-12.020	Adjutant General		.25 MoReg 1700	.25 MoReg 2576	
11 CSR 10-12.030	Adjutant General		.25 MoReg 1700	.25 MoReg 2576	
11 CSR 10-12.040	Adjutant General		.25 MoReg 1701	.25 MoReg 2577	
11 CSR 10-12.050	Adjutant General		.25 MoReg 1701	.25 MoReg 2577	
11 CSR 10-12.060	Adjutant General		.25 MoReg 1701	.25 MoReg 2577	
11 CSR 40-5.040	Division of Fire Safety		.25 MoReg 2411		
11 CSR 40-5.050	Division of Fire Safety		.25 MoReg 2411		
11 CSR 40-5.065	Division of Fire Safety		.25 MoReg 2411		
11 CSR 40-5.090	Division of Fire Safety		.25 MoReg 2412		
11 CSR 40-5.120	Division of Fire Safety	.25 MoReg 2283	.25 MoReg 2412		
11 CSR 45-1.090	Missouri Gaming Commission		.25 MoReg 1114	.25 MoReg 2328	
11 CSR 45-5.075	Missouri Gaming Commission		.25 MoReg 1631	.25 MoReg 2577	
11 CSR 45-5.183	Missouri Gaming Commission		.25 MoReg 2103		
11 CSR 45-11.110	Missouri Gaming Commission	.25 MoReg 1679	.25 MoReg 1702		
11 CSR 45-13.055	Missouri Gaming Commission		.24 MoReg 2144		
11 CSR 50-2.200	Missouri State Highway Patrol		.25 MoReg 2531		
11 CSR 50-2.270	Missouri State Highway Patrol		.25 MoReg 2531		
11 CSR 50-2.320	Missouri State Highway Patrol		.25 MoReg 2532		
11 CSR 50-2.330	Missouri State Highway Patrol		.25 MoReg 2532		
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11 CSR 75-6.020	Peace Officer Standards and Training		.25 MoReg 1631	.25 MoReg 2328W	
11 CSR 75-6.030	Peace Officer Standards and Training		.25 MoReg 1631	.25 MoReg 2473	
11 CSR 75-11.010	Peace Officer Standards and Training		.25 MoReg 2307		
11 CSR 75-11.020	Peace Officer Standards and Training		.25 MoReg 2307		
11 CSR 75-11.030	Peace Officer Standards and Training		.25 MoReg 2308		
11 CSR 75-11.040	Peace Officer Standards and Training		.25 MoReg 2309R		
11 CSR 75-11.070	Peace Officer Standards and Training		.25 MoReg 2309		

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				.25 MoReg 2147	
12 CSR 10-3.004	Director of Revenue		.25 MoReg 1702R	.25 MoReg 2577R	
12 CSR 10-3.005	Director of Revenue		.25 MoReg 1703R	.25 MoReg 2577R	
12 CSR 10-3.006	Director of Revenue		.25 MoReg 1703R	.25 MoReg 2578R	
12 CSR 10-3.007	Director of Revenue		.25 MoReg 1703R	.25 MoReg 2578R	
12 CSR 10-3.028	Director of Revenue		This IssueR		
12 CSR 10-3.030	Director of Revenue		This IssueR		
12 CSR 10-3.032	Director of Revenue		This IssueR		
12 CSR 10-3.098	Director of Revenue		.25 MoReg 1456R	.25 MoReg 2329R	
12 CSR 10-3.102	Director of Revenue		This IssueR		
12 CSR 10-3.131	Director of Revenue		.25 MoReg 2414R		
12 CSR 10-3.166	Director of Revenue		.25 MoReg 1703R	.25 MoReg 2578R	
12 CSR 10-3.172	Director of Revenue		.25 MoReg 1704R	.25 MoReg 2578R	
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12 CSR 10-3.332	Director of Revenue		.25 MoReg 1706R	.25 MoReg 2580R	
12 CSR 10-3.336	Director of Revenue		.25 MoReg 1706R	.25 MoReg 2580R	
12 CSR 10-3.460	Director of Revenue	.25 MoReg 144			

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12 CSR 10-3.474	Director of Revenue		This IssueR		
12 CSR 10-3.476	Director of Revenue		This IssueR		
12 CSR 10-3.478	Director of Revenue		This IssueR		
12 CSR 10-3.479	Director of Revenue		This IssueR		
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12 CSR 10-3.520	Director of Revenue25	MoReg 1456R ...25 MoReg 2329R		
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12 CSR 10-3.528	Director of Revenue25	MoReg 1457R ...25 MoReg 2329R		
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12 CSR 10-5.080	Director of Revenue25	MoReg 1459R ...25 MoReg 2330R		
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19 CSR 30-1.017	Division of Health Standards and Licensure		.25 MoReg 1251	.25 MoReg 2590	
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19 CSR 30-1.020	Division of Health Standards and Licensure		.25 MoReg 1257R	.25 MoReg 2590R	
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7 CSR 10-8.040	Procedures for Certification Renewal of Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.041	Effective Date of the DBE Program Under 49 CFR Part 26	November 6, 2000
7 CSR 10-8.050	Challenge Procedures for Disadvantaged Business Enterprises	November 6, 2000
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7 CSR 10-8.060	Requirements to Participate in a Mentor-Protege Agreement	November 6, 2000
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7 CSR 10-8.240	Retaining Qualification to Participate in the Commission's DBE Set-Aside Program	November 6, 2000
7 CSR 10-8.250	Bidding Limitations on Qualified Firms and Joint Ventures Having Active Commission DBE Set-Aside Contracts	November 6, 2000
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7 CSR 10-8.270	Disqualification of a Firm or Joint Venture from the DBE Set-Aside Program	November 6, 2000
7 CSR 10-14.050	Sign Specifications	November 17, 2000

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9 CSR 30-4.042	Admission Criteria	February 22, 2001
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11 CSR 45-4.390	Occupational License Renewal	April 11, 2001
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11 CSR 45-10-110	Licensee's Duty to Report Occupational Personnel	April 11, 2001
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13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	Terminated September 4, 2000
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	March 2, 2001

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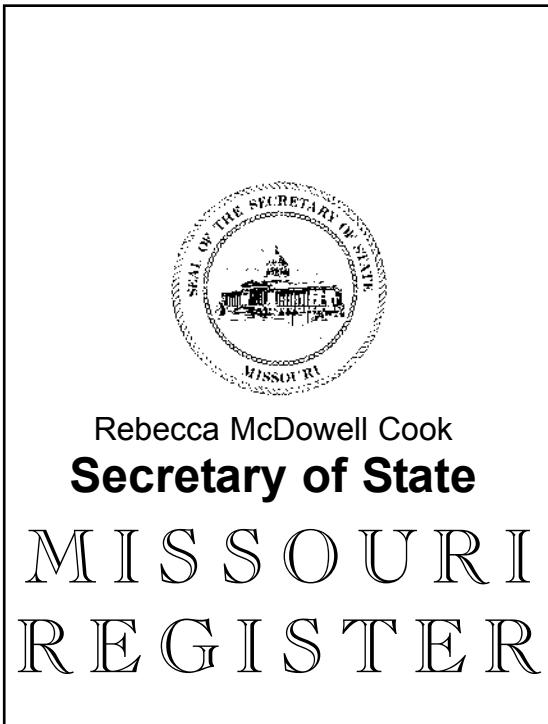
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